

UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND

In re:

MICHAEL T. OWEN, SR.
DEBORAH A. OWEN
Debtor

BK-18-10973
CHAPTER 13

MOTION TO DISMISS

John Boyajian, Trustee in the above-entitled matter, moves this Court to dismiss the within Chapter 13 proceeding.

The Debtors' Chapter 13 petition was filed on June 1, 2018, and the Chapter 13 Plan was confirmed on February 22, 2019. The confirmed Chapter 13 Plan requires that in addition to pre-confirmation payments, the Debtor is to pay to the Trustee \$5,428.00 per month for 36 months and then \$5,908.00 per month for 17 months. Through July 2019, the Debtors should have paid a total of \$61,132.00 but only \$42,018.00 has been paid. The Debtors are currently in arrears in the amount of \$19,114.00. The failure of the Debtors to maintain payments as described above is a material default under the plan.

Because of the Debtors' material default and pursuant to 11 U.S.C. §1307(c)(6), the Trustee moves that the within Chapter 13 petition be dismissed.

/s/ John Boyajian
John Boyajian, Trustee
400 Westminster Street, Box 12
Providence, RI 02903
Tel: (401) 223-5550
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Within fourteen (14) days after service, if served electronically, as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if served by mail or other excepted means specified, any party against whom such paper has been served, or any other party who objects to the relief sought, shall serve and file an objection or other appropriate response to said paper with the Bankruptcy Court Clerk's Office, 380 Westminster Street, 6th Floor, Providence, RI 02903, (401) 626-3100. If no objection or other response is timely filed, the paper will be deemed unopposed and will be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the Court, the interest of justice requires otherwise.

CERTIFICATION

I hereby certify that a copy of the within Motion to Dismiss was mailed, postage prepaid, to Mr. & Mrs. Michael Owen, Sr., 44 Raven Circle, Cranston, RI 02921 and electronically mailed to Janet Goldman, Esq. at jgoldmanlawri@jggoldman.com on July 30, 2019.

/s/Martha Hunt